

ORIGINIAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAIIEDWARD H. KUBO, JR. 2499  
United States Attorney  
District of HawaiiTHOMAS MUEHLECK 3591  
Assistant U.S. Attorney  
Room 6100, PJKK Federal Building  
300 Ala Moana Blvd.  
Honolulu, Hawaii 96850  
Telephone: 541-2850  
Facsimile: 541-2958  
Tom.Muehleck@usdoj.govAttorneys for Plaintiff  
UNITED STATES OF AMERICALODGED 3 16 2003  
WALTER A.Y.H. CHIN, CLERK  
OCT 08 2003 2:57PMCLERK, U.S. DISTRICT COURT  
DISTRICT OF HAWAII

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00106 DEA
	)	
Plaintiff,	)	STIPULATION CONTINUING TRIAL
vs.	)	DATE AND EXCLUDING TIME UNDER
	)	THE SPEEDY TRIAL ACT; ORDER
JOHN ANDREW GILBREATH,	)	
	)	Old Date: October 21, 2003
	)	New Date: January 13, 2004
Defendant.	)	Judge: Hon. David A. Ezra
	)	

STIPULATION CONTINUING TRIAL DATE AND  
EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, that the trial of this matter be continued from October 21, 2003 to January 13, 2004 before Chief United States Judge David A. Ezra. The basis for the requested continuance is to ensure continuity of counsel for the defendant and for the government. Government counsel has another trial scheduled to start on October 21, 2003 in United States v. Katoni Johansson

22

and Aisea Tupou, Cr. No. 02-00177 before United States District Judge Helen Gillmor.

The Final Pretrial Conference is rescheduled to December 15, 2003, at 10:00 a.m., before United States Magistrate Judge Barry M. Kurren. Defendant's motion is now due to November 17, 2003 and the date for the government's response is December 1, 2003.

IT IS FURTHER STIPULATED that the time from October 21, 2003 until the new trial date of January 13, 2004 be excluded under the Speedy Trial Act, 18 U.S.C. § 3161, et.seq., on the grounds that the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial and that failure to continue the trial would deny the defendant and the government continuity of counsel and would deny the defendant and the government the reasonable time necessary for effective preparation taking into account the exercise of due diligence.

The parties agree and ask the Court to find that the case should be continued for the foregoing reasons and that the Court's approval be construed as a finding of excludable time for the reasons stated.

//

//

//

DATED: October 8, 2003, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

By T. Muehleck  
THOMAS MUEHLECK  
Assistant U.S. Attorney  
  
DONNA M. GRAY  
Attorney for defendant  
John Andrew Gilbreath

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00106 DEA
	)	
Plaintiff,	)	ORDER
	)	
vs.	)	
	)	
JOHN ANDREW GILBREATH,	)	
	)	Old Date: October 21, 2003
	)	New Date: January 13, 2004
Defendant.	)	Judge: Hon. David A. Ezra
	)	

---

ORDER

For the reasons stated above, and pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), the Court finds that granting the continuance outweighs the best interest of the public and the defendant in a speedy trial. The Court further finds that failure to grant a continuance would deny the defendant and the government continuity of counsel and would deny counsel for the defendant and the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Therefore the time from the present trial date of October 21, 2003 until the new trial date of January 13, 2004 is excluded for purposes of the Speedy Trial Act. The final pretrial conference will be held on December 15, 2003, at 10:00 a.m., before United States Magistrate Judge Barry M. Kurren. Defense has until November 17, 2003 to file motions and the government has until December 1, 2003 to file a response.

IT IS SO APPROVED AND ORDERED:

DATED: OCT 10 2003 Honolulu, Hawaii.

DAVID A. EZRA  
Chief United States District Judge

United States v. John Andrew Gilbreath  
Cr. No. 03-00106 DAE  
Stipulation Continuing Trial Date and Excluding  
Time Under The Speedy Trial Act; Order